

**58-13-5 Information relating to adequacy and quality of medical care -- Immunity from liability.**

- (1) As used in this section, "health care provider" has the same meaning as defined in Section 78B-3-403.
- (2)
  - (a) The division, and the boards within the division that act regarding the health care providers defined in this section, shall adopt rules to establish procedures to obtain information concerning the quality and adequacy of health care rendered to patients by those health care providers.
  - (b) It is the duty of an individual licensed under Title 58, Occupations and Professions, as a health care provider to furnish information known to him with respect to health care rendered to patients by any health care provider licensed under Title 58, Occupations and Professions, as the division or a board may request during the course of the performance of its duties.
- (3) A health care facility as defined in Section 26-21-2 which employs, grants privileges to, or otherwise permits a licensed health care provider to engage in licensed practice within the health care facility, and any professional society of licensed health care providers, shall report any of the following events in writing to the division within 60 days after the event occurs regarding the licensed health care provider:
  - (a) terminating employment of an employee for cause related to the employee's practice as a licensed health care provider;
  - (b) terminating or restricting privileges for cause to engage in any act or practice related to practice as a licensed health care provider;
  - (c) terminating, suspending, or restricting membership or privileges associated with membership in a professional association for acts of unprofessional, unlawful, incompetent, or negligent conduct related to practice as a licensed health care provider;
  - (d) subjecting a licensed health care provider to disciplinary action for a period of more than 30 days;
  - (e) a finding that a licensed health care provider has violated professional standards or ethics;
  - (f) a finding of incompetence in practice as a licensed health care provider;
  - (g) a finding of acts of moral turpitude by a licensed health care provider; or
  - (h) a finding that a licensed health care provider is engaged in abuse of alcohol or drugs.
- (4) This section does not prohibit any action by a health care facility, or professional society comprised primarily of licensed health care providers to suspend, restrict, or revoke the employment, privileges, or membership of a health care provider.
- (5) The data and information obtained in accordance with this section is classified as a "protected" record under Title 63G, Chapter 2, Government Records Access and Management Act.
- (6)
  - (a) Any person or organization furnishing information in accordance with this section in response to the request of the division or a board, or voluntarily, is immune from liability with respect to information provided in good faith and without malice, which good faith and lack of malice is presumed to exist absent clear and convincing evidence to the contrary.
  - (b) The members of the board are immune from liability for any decisions made or actions taken in response to information acquired by the board if those decisions or actions are made in good faith and without malice, which good faith and lack of malice is presumed to exist absent clear and convincing evidence to the contrary.
- (7) An individual who is a member of a hospital administration, board, committee, department, medical staff, or professional organization of health care providers, and any hospital, other health care entity, or professional organization conducting or sponsoring the review, is immune

from liability arising from participation in a review of a health care provider's professional ethics, medical competence, moral turpitude, or substance abuse.

- (8) This section does not exempt a person licensed under Title 58, Occupations and Professions, from complying with any reporting requirements established under state or federal law.

Amended by Chapter 278, 2013 General Session